

May 16, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of May 22, 2017

EPA 30-Day Policy Look Ahead

A. Rulemakings, Guidance, Initiatives, & Policies

Non-responsive - material unrelated to Bristol Bay/Pebble Mine

Non-responsive - material unrelated to Bristol Bay/Pebble Mine

Non-responsive - material unrelated to Bristol Bay/Pebble Mine

B. Reports to Congress

Non-responsive - material unrelated to Bristol Bay/Pebble Mine

C. State and Local-Based Issues

Non-responsive - material unrelated to Bristol Bay/Pebble Mine

Non-responsive - material unrelated to Bristol Bay/Pebble Mine

D. Legal Decisions

1. **PEBBLE LIMITED PARTNERSHIP LITIGATION - SETTLED**. EPA reached a settlement late last week with Pebble Mine Partnership, putting an end to lengthy, high-profile litigation inherited from the last administration. The litigation arose from EPA's so-called "preemptive veto" of the Pebble Mine project – before Pebble submitted its permit application to the U.S. Army Corps of Engineers, the Obama EPA issued a "proposed determination" of the environmental effect of the project which, if finalized, would have effectively prevented the project from moving forward. Under the settlement, EPA will begin the procedure specified in its regulations to consider whether to withdraw the proposed determination. Additionally, in no event will EPA take the next step in its review process until 48 months from the date of settlement or until the Army Corps issues its final Environmental Impact Statement, whichever comes first. In exchange, Pebble will withdraw with prejudice its claims under the Freedom of Information Act and the Federal Advisory Committee Act, as well as its request for attorney's fees, and agree to file no new FOIA requests while the settlement is in effect. The settlement will be dissolved if Pebble does not file its application with the Army Corps within 30 months of settlement. This settlement does not guarantee any particular outcome to Pebble's permit application, but ensures that Pebble has a chance to make that application and have it considered in the regular course.

Timing: The settlement was publically announced on Friday, May 12, 2017. EPA's next step is to begin the administrative process to consider withdrawal of the proposed determination.

Contact: Justin Schwab, Deputy General Counsel, schwab.justin@epa.gov

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E. Release of High-Profile Grants

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F. Congressional Testimony

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G. Notable Press

- 1. NEED TO KNOW NETWORK: PEBBLE MINE SETTLEMENT HUGE WIN FOR JOBS, TRUMP, AND PRUITT:** Administrator Pruitt reversed Obama-era veto on Alaska Pebble Mine project, a move that will prove to be a massive job creator. A 2013 HIS Global Insight study showed the project will create 15,000 Alaskan and national jobs during the project's operation. Further, the mine is expected to bring in an average of \$136 to \$180 million in annual taxes and royalties, putting it in the top tier of companies in the state.

Link: <http://ntknetwork.com/pebble-mine-settlement-huge-win-for-jobs-trump-and-pruitt/>

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H. Other/Awareness Only

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Key Events for Upcoming 30 Days

Major Policy Speeches

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Events

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